

## **REMARKS**

Claims 1-5 are currently pending. Claims 1-5 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 2 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,385,585 (Jonsson). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of U.S. Patent No. 6,301,338 (Makela). Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of U.S. Patent No. 6,301,338 (Svensson).

In regard to the rejection of Claims 1 and 5 under 35 U.S.C. 112, first paragraph, Claims 1 and 5 have been amended to overcome the rejection. Accordingly, it is respectfully requested that the rejection of Claims 1 and 5 under 35 U.S.C. §112, first paragraph, be withdrawn.

In regard to the rejection of Claim 1 under 35 U.S.C. §102(e), Claim 1 has been amended and is further distinguished.

Jonsson teaches transmitting messages using formant frequencies.

In contrast, amended Claim 1 includes the recitation of inputting a character message while in the character message-transmitting/receiving mode, processing the written character message and thereafter setting, by the controller, a transmission rate and transmitting the written

character message, which is neither taught nor suggested by Jonsson. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102(e) of Claim 1 be withdrawn.

Regarding the rejection of independent Claim 5 under 35 U.S.C. §103(a), Claim 5 has been amended and is further distinguished.

Jonsson is discussed above and Makela teaches activating a telephones call answering equipment according to a calling party's telephone number. In contrast, amended Claim 5 includes the recitation of receiving a character message transmitted at a predetermined transmission rate from the mobile communication terminal of the other party via the speech path, the predetermined transmission rate being determined by the other party, which is neither taught nor suggested by Jonsson. As this deficiency is not cured by Makela, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 5 be withdrawn.

Independent Claims 1 and 5 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, these are likewise believed to be allowable by virtue of their dependence on amended independent Claim 1. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

Paul J. Farrell

Registration No. 33,494

Attorney for Applicant

DILWORTH & BARRESE, LLP  
333 Earle Ovington Boulevard  
Uniondale, New York 11553  
(516) 228-8484  
(516) 228-8516 (FAX)  
PJF/VAG/ml